

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
SYLVIA A. IRVIN  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax

6 Attorney for Brian Tucker

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 BRIAN TUCKER,

14 Defendant.

Case No. 2:19-cv-00427-GMN-GWF

**Stipulation to Continue  
Telephonic Status Hearing  
(Second Request)**

15  
16 It is stipulated and agreed to by United States Attorney Nicholas A. Trutanich, Assistant  
17 United States Attorney Christopher D. Baker, and Assistant United States Attorney John  
18 Childress, Deputy Chief, Civil Division, Southern District of Indiana, counsel for the United  
19 States of America, and Federal Public Defender Rene L. Valladares and Assistant Federal  
20 Public Defender Sylvia A. Irvin, counsel for Brian Tucker, that this Court continue the  
21 Telephonic Status Hearing for at least 30 days to a date and time convenient for this Court.

22 This Stipulation is entered into for the following reasons:

23 1. Mr. Tucker is in BOP custody at FCI Otisville in New York. He is currently  
24 serving a lengthy prison sentence and is scheduled to be released in 2032.

25 2. The Court first appointed the Federal Public Defender to represent Mr. Tucker  
26 at an initial appearance in Case No. 2:15-mj-00012-GWF-1, ECF No. 4. The initial appearance

1 was a Federal Rule of Criminal Procedure 5(c)(3) proceeding on an Indictment filed in the  
2 Southern District of Indiana. *See id.*, ECF Nos. 1, 2. Mr. Tucker was detained and subsequently  
3 transported to the Southern District of Indiana. *See id.*, ECF No. 6.

4 3. Following Mr. Tucker's conviction in the Southern District of Indiana, he filed  
5 a motion for return of property in the District of Nevada, and this Court set a status hearing on  
6 the civil forfeiture issue. ECF Nos. 1, 5.

7 4. Mr. Tucker called the FPD to ask for assistance in appearing for the status  
8 hearing by telephone and this Court granted the request. ECF Nos. 7-8.

9 5. The parties then asked the Court for more time to resolve the civil forfeiture  
10 matter, and the Court granted the request and rescheduled the status hearing to July 11, 2019.  
11 ECF Nos. 10-11.

12 6. Undersigned defense counsel has been in contact with AUSA John Childress in  
13 the Southern District of Indiana in an effort to assist Mr. Tucker in resolving this matter.  
14 However, Mr. Tucker was injured while in BOP custody, and because of these injuries, defense  
15 counsel has been unable to speak to Mr. Tucker by email or telephone. Defense counsel has  
16 been in contact with Mr. Tucker's counselor and a legal call is scheduled for July 9, 2019.

17 7. To allow time for Mr. Tucker to recuperate and to consider the Government's  
18 proposed resolution, counsel asks the Court to continue the status hearing for at least 30 days.

19 8. The Government is not opposed to a continuance of this hearing or to allow Mr.  
20 Tucker to appear by telephone for the hearing.

1           9.     This is the second request to continue the status hearing.

2           DATED this 8th day of July, 2019.

3     RENE L. VALLADARES  
4     Federal Public Defender

          NICHOLAS A. TRUTANICH  
          United States Attorney

5     By: Sylvia A. Irvin

          By: Christopher D. Baker

6     SYLVIA A. IRVIN  
7     Assistant Federal Public Defender

          CHRISTOPHER D. BAKER  
          Assistant United States Attorney

8                               By: John Childress

9                               JOHN CHILDRESS  
10                              Deputy Chief, Civil Division  
11                              Southern Division of Indiana



6. Undersigned defense counsel has been in contact with AUSA John Childress in the Southern District of Indiana in an effort to assist Mr. Tucker in resolving this matter. However, Mr. Tucker was injured while in BOP custody, and because of these injuries, defense counsel has been unable to speak to Mr. Tucker by email or telephone. Defense counsel has been in contact with Mr. Tucker's counselor and a legal call is scheduled for July 9, 2019.

7. To allow time for Mr. Tucker to recuperate and to consider the Government's proposed resolution, counsel asks the Court to continue the status hearing for at least 30 days.

8. The Government is not opposed to a continuance of this hearing or to allow Mr. Tucker to appear by telephone for the hearing.

## ORDER

IT IS THEREFORE ORDERED that the Status Hearing currently scheduled for July 11, 2019, at 10:00 a.m., be rescheduled to Friday, August 16, 2019, 2019, at 10:30 a.m.

IT IS FURTHER ORDERED that Mr. Tucker may appear by telephone for the Status Hearing. Defense counsel shall arrange for Defendant to contact the Court via the Court's conference line at (877) 402-9753 with passcode 2843316#. Defendant shall call no less than five (5) minutes prior to the start of the hearing.

DATED this 9 day of July, 2019.

UNITED STATES DISTRICT COURT JUDGE